



# House of Representatives

## File No. 839

General Assembly

January Session, 2005

**(Reprint of File No. 721)**

Substitute House Bill No. 5932  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
June 4, 2005

### **AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING AND CERTIFICATION PROGRAM FOR ANIMAL CONTROL OFFICERS.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. (NEW) (*Effective January 1, 2006*) For the purposes of  
2       sections 2 to 5, inclusive, of this act, "animal control officer" includes a  
3       regional animal control officer, assistant regional animal control officer  
4       and municipal animal control officer, as defined in section 22-327 of  
5       the general statutes, and an assistant municipal animal control officer.

6       Sec. 2. (NEW) (*Effective January 1, 2006*) (a) The Commissioner of  
7       Agriculture shall develop a training program, within available  
8       appropriations, for certification of animal control officers. The program  
9       shall consist of not less than eighty hours of training including, but not  
10      limited to: (1) State and federal law of arrest, search and seizure; (2)  
11      state law relating to animals; (3) the basics of investigation; (4) report  
12      writing and record keeping; (5) shelter or pound standards; (6) disease  
13      recognition; (7) euthanasia policy; (8) ethics and professionalism in  
14      dealing with the public; (9) cruelty and neglect investigations,  
15      including, but not limited to, blood sports and cults; (10) animal bite

16 and vicious animal investigations; (11) officer safety and loss  
17 prevention; (12) animal care, identification, behavior, handling and  
18 capture and restraint techniques; (13) overview of the legal system,  
19 court structure and terminology; (14) warrants; (15) civil liability  
20 issues; and (16) for animal control officers employed by municipalities  
21 that permit officers to carry firearms, weapons training.

22 (b) The commissioner shall approve or develop an examination,  
23 within available appropriations, designed to test proficiency in the  
24 subjects covered by the training program developed pursuant to  
25 subsection (a) of this section. The examination may be written, oral,  
26 practical or a combination thereof.

27 (c) The commissioner may approve, reject or revoke approval of any  
28 animal control officer training courses including, but not limited to,  
29 courses provided by the National Animal Control Association, the  
30 American Humane Association, the Police Officer Standards and  
31 Training Council or the Humane Society of the United States, for  
32 inclusion in the training programs developed pursuant to this section.

33 (d) The commissioner may, from time to time, amend or alter the  
34 training programs and the examination the commissioner develops  
35 pursuant to this section.

36 Sec. 3. (NEW) (*Effective July 1, 2005*) (a) Each person appointed as an  
37 animal control officer after July 1, 2005, shall be certified by the  
38 Commissioner of Agriculture not later than four years after such  
39 appointment. One-half of the certification shall be completed not later  
40 than two years after such appointment. The provisions of section  
41 7-294d of the general statutes shall not apply to animal control officers  
42 appointed pursuant to section 22-328, 22-331 or 22-331a of the general  
43 statutes.

44 (b) The commissioner shall waive the requirement of satisfactory  
45 completion of the training requirements for candidates who have  
46 served as animal control officers in the state for a period of five years  
47 since July 1, 1991.

48 (c) Notwithstanding any other provision of sections 1 to 4, inclusive,  
49 of this act, the commissioner may decline to issue a certificate if (1) the  
50 applicant falsified any document in order to obtain or renew the  
51 certificate, (2) the applicant has been convicted of a felony, (3) the  
52 applicant has been found not guilty of a felony by reason of mental  
53 disease or defect pursuant to section 53a-13 of the general statutes, (4)  
54 the applicant has been convicted of a violation of subsection (c) of  
55 section 21a-279 of the general statutes or section 29-9 of the general  
56 statutes, or (5) the applicant has been refused issuance of a certificate  
57 or similar authorization or has had a certificate or other similar  
58 authorization canceled or revoked by another jurisdiction on grounds  
59 that would authorize cancellation or revocation under the provisions  
60 of this subsection.

61 (d) The commissioner may revoke any certificate if (1) the certificate  
62 was issued by administrative error, (2) the certificate was obtained  
63 through misrepresentation or fraud, (3) the holder falsified any  
64 document in order to obtain or renew any certificate, (4) the holder has  
65 been convicted of a felony, (5) the holder has been found not guilty of a  
66 felony by reason of mental disease or defect pursuant to section 53a-13  
67 of the general statutes, (6) the holder has been convicted of a violation  
68 of subsection (c) of section 21a-279 of the general statutes or section  
69 29-9 of the general statutes, or (7) the holder has been refused issuance  
70 of a certificate or similar authorization or has had the certificate or  
71 other authorization canceled or revoked by another jurisdiction on  
72 grounds that would authorize cancellation or revocation under the  
73 provisions of this subsection. Whenever the commissioner believes  
74 there is a reasonable basis for cancellation or revocation of the  
75 certificate of an animal control officer, the commissioner shall give the  
76 holder of the certificate notice and an opportunity for a hearing, in  
77 accordance with the provisions of section 4-182 of the general statutes.  
78 Any officer whose certification is revoked pursuant to this section may  
79 reapply for certification no sooner than two years after the date on  
80 which the revocation order becomes final.

81 Sec. 4. (NEW) (*Effective January 1, 2006*) (a) Certification of a person

82 as an animal control officer shall expire after two years if the person  
 83 has not been employed as a municipal animal control officer during  
 84 that period, unless the person is an officer who has been on leave of  
 85 absence. Upon reemployment of a person as an animal control officer,  
 86 such officer shall apply for certification and become certified in a  
 87 manner provided by section 2 of this act.

88 (b) A municipality may appoint a temporary animal control officer  
 89 who does not hold a certificate pursuant to this act for a period not  
 90 greater than thirty days per calendar year. The Commissioner of  
 91 Agriculture may grant a one time thirty-day extension for such  
 92 temporary animal control officer. The commissioner may encourage  
 93 municipalities to share the services of animal control officers in the  
 94 event a temporary animal control officer is needed by a municipality.

95 Sec. 5. (NEW) (*Effective January 1, 2006*) The Commissioner of  
 96 Agriculture may adopt regulations, in accordance with the provisions  
 97 of chapter 54 of the general statutes, to implement the provisions of  
 98 sections 1 to 4, inclusive, of this act, including, but not limited to,  
 99 establishing procedures for applying for certification as an animal  
 100 control officer.

101 Sec. 6. (NEW) (*Effective January 1, 2006*) No municipality shall be  
 102 liable for compensation to any municipal animal control officer whose  
 103 certification under section 3 or 4 of this act has been revoked or  
 104 expired during the period of such revocation or expiration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2006</i>	New section
Sec. 2	<i>January 1, 2006</i>	New section
Sec. 3	<i>July 1, 2005</i>	New section
Sec. 4	<i>January 1, 2006</i>	New section
Sec. 5	<i>January 1, 2006</i>	New section
Sec. 6	<i>January 1, 2006</i>	New section

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Agriculture	GF - Cost	See Below	See Below

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 06 \$	FY 07 \$
All Municipalities	STATE MANDATE - Cost	See Below	See Below

### **Explanation**

It is anticipated that the department of Agriculture (DOAG) will require a part-time clerical at a cost of approximately \$7,500 and associated expenses in FY 06 and \$15,000 in FY 07 to administer and keep track of the Animal Control Officer (ACO) certification process. The bill requires that the program be developed and administered within available appropriations. No additional funds are provided for the program therefore DOAG will have to divert resources from other department requirements impacting existing programs or services, not develop the program or require a deficiency appropriation.

Assuming that the currently designed courses provided by the National Animal Control Association, the American Humane Association, the Police Officers Standards and Training Council or the Humane Society of the United States would be utilized for the training required, costs for the initial first week of training which would need to take place for persons appointed as ACOs after July 1, 2005 and not more than 4 years after appointment as an ACO, would be approximately \$475. Additional training required two years later would currently cost \$475. These figures do not include costs for travel

or replacement of an ACO during training. The amendment also waives the training requirements for persons who served as ACOs in the state for 5 years. There are approximately 300 local ACOs at the current time and 75%-85% of these ACOs have served five years. The exact cost per town is not known at this time.

The bill also eliminates the liability of a municipality for the compensation of a municipal ACO whose certification is revoked or expires. A cost savings to municipalities could result to the extent that a municipality would have been liable for the compensation.

House "A" eliminates the establishment of a Council, changes requirements of training, and changes the exemptions from training, and limits municipal liability for compensation, all decreasing costs from the underlying bill.

---

**OLR Bill Analysis**

sHB 5932 (as amended by House "A")\*

***AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING  
AND CERTIFICATION PROGRAM FOR MUNICIPAL ANIMAL  
CONTROL OFFICERS***

**SUMMARY:**

This bill requires the agriculture commissioner to (1) certify regional, municipal, assistant regional, and assistant municipal animal control officers (ACOs) and (2) create a training program and a certification exam, within available appropriations, for their certification. Existing law requires towns to have ACOs, but does not require training or certification.

The bill allows the commissioner to (1) develop regulations regarding the training and certification of ACOs, including establishing procedures for applying for certification as an ACO, and (2) refuse to certify an ACO or revoke his certification for various reasons.

Under the bill, each person appointed as an ACO after July 1, 2005, must be certified by the commissioner within four years after being appointed. An ACO must complete half of the certification within two years of being appointed. The commissioner must waive the requirement of satisfactory completion of the training requirements for candidates who have served as an ACO in the state for five years since July 1, 1991.

\*House Amendment "A" eliminates (1) the establishment of a council to create training and review training programs and a certification exam for ACOs, (2) a review training program and a requirement that ACOs satisfactorily complete review training every three years to maintain certification, and (3) a provision that certain experienced ACOs exempted from training requirements must still pass the exam. It adds a provision allowing a municipality to appoint an uncertified temporary ACO for up to 30 days per year and the commissioner to extend the temporary ACO's appointment once, for 30 days.

EFFECTIVE DATE: January 1, 2006, except July 1, 2005 for the provisions that give the commissioner the power to decline to issue or revoke certification, require completion of portions of training within two years and all training and certification within four years, and grandfather in ACOs with five years of experience since 1991.

## **ACO CERTIFICATION**

### ***Training Program***

The program the commissioner develops must consist of at least 80 hours of training, including:

1. state and federal arrest, search, and seizure laws;
2. state law relating to animals;
3. investigation basics;
4. report writing and record keeping;
5. shelter or pound standards;
6. disease recognition;
7. euthanasia policy;
8. ethics and professionalism in dealing with the public;
9. cruelty and neglect investigations, including blood sports and cults;
10. animal bite and vicious animal investigations;
11. officer safety and loss prevention;
12. animal care, identification, behavior, handling and capture and restraint techniques;
13. overview of the legal system, court structure, and terminology;



14. warrants;
15. civil liability issues; and
16. weapons training for municipalities that allow ACOs to carry firearms.

The commissioner may, for inclusion in the training programs, approve, reject, or revoke approval of any ACO training courses, including courses provided by the National Animal Control Association, the American Humane Association, the Police Officer Standards and Training Council or the Humane Society of the United States. He may amend or alter the training programs and the examination he develops. The bill specifies that the Police Officer Standards and Training Council has no jurisdiction over state or local ACOs.

### ***Exam***

The commissioner must approve or develop an examination, within available appropriations, to test proficiency in the subjects covered by the training program. The examination may be written, oral, practical or a combination thereof.

### ***Denial or Revocation***

The commissioner may decline to issue a certificate if the applicant (1) falsified any document in order to obtain or renew the certificate, (2) has been convicted of a felony, (3) was found not guilty of a felony by reason of mental disease or defect, (4) has been convicted of a violation of illegal drug possession or law concerning influencing a police officer, or (5) has been refused issuance of a certificate or similar authorization or has had a certificate or other similar authorization canceled or revoked by another jurisdiction on the above grounds.

The commissioner may revoke any certificate if (1) it was issued by administrative error, (2) it was obtained through misrepresentation or fraud, (3) the holder falsified any document in order to obtain or renew it, (4) the holder has been convicted of a felony, (5) the holder has been found not guilty of a felony by reason of mental disease or defect, (6) the holder has been convicted of a violation of illegal drug possession or law concerning influencing a police officer, or (7) the holder has

been refused issuance of a certificate or similar authorization or has had the certificate or other authorization canceled or revoked by another jurisdiction as above.

### ***Expiration and Reemployment***

Certification expires after two years if the person has not been employed as a municipal (but not a regional) ACO during that period, unless such officer has been on a leave of absence.

When a local ACO is reemployed, he must apply for certification.

### ***When Municipality Not Liable for Compensation***

Under the bill, no municipality is liable for compensation to any municipal ACO whose certification has been revoked or expires during the period of revocation or expiration.

### ***Temporary ACO***

A municipality may appoint a temporary ACO who does not hold a certificate for up to 30 days per calendar year. The commissioner may grant a one time 30-day extension for a temporary ACO. He may encourage municipalities to share an ACOs services when a temporary ACO is needed by a municipality.

## **BACKGROUND**

### **ACOs**

By law, each municipality of more than 25,000 people must have a full-time, local animal control officer. Towns with fewer than 25,000 people must have local animal control officers, but they need not be full-time. Any two or more contiguous towns with a population of less than 25,000 that have or will have a dog pound facility within their region, by action of heir legislative bodies, may agree to be served by a regional ACO.

By law, animal control officers may act to prevent acts of cruelty upon any animal; take into custody any neglected or cruelly treated animal; and arrest people for violating any law relating to dogs or domestic animals.

***Legislative History***

The House referred the bill (File 286) to the Planning and Development Committee on April 19. On April 27, the committee reported a substitute that requires, instead of allows, the commissioner to waive training requirements for ACOs with certain experience. On May 10, the House referred the bill (File 721) to the Government Administration and Elections Committee, which reported it favorably on May 11. On May 23, the House referred the bill to the Appropriations Committee, which reported it favorably on May 26.

**COMMITTEE ACTION**

## Environment Committee

Joint Favorable Report

Yea 21 Nay 7

## Planning and Development Committee

Joint Favorable Substitute

Yea 15 Nay 1

## Government Administration and Elections Committee

Joint Favorable Report

Yea 18 Nay 0

## Appropriations Committee

Joint Favorable Report

Yea 20 Nay 15